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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

CAPITOL RECORDS, INC., a Delaware corporation; UMG RECORDINGS, INC., a Delaware corporation; ARISTA RECORDS LLC, a Delaware limited liability company; WARNER BROS. RECORDS INC., a Delaware corporation; BMG MUSIC, a New York general partnership; and SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership,

Filed Electronically

Civil Action No.: 05 CV 494 (DGT)(RML)

U.S. DISTRICT COURT E.D.N.Y.

* SEP 14, 2005

P.M. _____

Plaintiffs,

-against-

ERIC C. TUCKER,

Defendant.

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

- 1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).
- 2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Two Hundred Fifteen Dollars (\$215.00).

- Defendant shall be and hereby is enjoined from directly or indirectly 3. infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:
 - "Any Man of Mine," on album "The Woman in Me," by artist "Shania Twain" (SR# 207-884);
 - "Complicated," on album "Let Go," by artist "Avril Lavigne" (SR# 312-786);
 - "Crawling," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
 - "Greed," on album "Awake," by artist "Godsmack" (SR# 293-376);
 - "I'd Rather," on album "Luther Vandross," by artist "Luther Vandross" (SR# 298-047);
 - "It's a Sin," on album "Actually," by artist "Pet Shop Boys" (SR# 93-012);
 - "Kiss From A Rose," on album "Seal," by artist "Seal" (SR# 271-303);
 - "The Mexican 2002," on album "Thalia," by artist "Thalia" (SR# 317-586);
 - "Time After Time," on album "She's So Unusual," by artist "Cyndi Lauper" (SR# 50-827);
 - "Wild Boys," on album "Arena," by artist "Duran Duran" (SR# 58-461);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of

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Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: $\frac{9/9/05}{}$

By: s/David G. Trager
Hon. David G. Trager
United States District Judge